

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO. CR04-256-RSM
Plaintiff,)
v.)
EDWARD DON JOHNSON,) SUMMARY REPORT OF U.S.
Defendant.) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
) OF SUPERVISED RELEASE

An initial hearing on supervised release revocation in this case was scheduled before me on July 31, 2006. The United States was represented by AUSA Lisca Borichewski and the defendant by Michelle Shaw. The proceedings were digitally recorded.

Defendant had been sentenced on or about January 7, 2005 by the Honorable Ricardo S. Martinez on a charge of Bank Fraud, and sentenced to three months custody, five years supervised release. (Dkt. 126).

The conditions of supervised release included the standard conditions plus the requirements that defendant not possess any firearms, submit to drug testing, participate in drug treatment, abstain from alcohol, submit to search, reside in a halfway house for up to 6 months, pay

01 restitution in the amount of \$9,728.89, and provide access to financial information.

02 In an application dated June 29, 2006 (Dkt 151), U.S. Probation Officer Felix Calvillo, Jr.
03 alleged the following violations of the conditions of probation:

04 1. Failing to make regular \$100.00 payment towards restitution for the months of
05 January, February, March, April, May and June 2006, in violation of special condition #6.

06 2. Using cocaine on or about January 3, 2006, in violation of standard condition #7.

07 Defendant was advised in full as to those charges and as to his constitutional rights.

08 Defendant admitted alleged violation two and waived any evidentiary hearing as to
09 whether it occurred. The government moved to dismiss violation one.

10 I therefore recommend the Court find defendant violated his supervised release as alleged
11 in violation two, dismissed alleged violation one, and that the Court conduct a hearing limited to
12 the issue of disposition. The next hearing will be set before Judge Martinez.

13 Pending a final determination by the Court, defendant has been released on the conditions
14 of supervision.

15 DATED this 1st day of August, 2006.

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17 _____
18 Mary Alice Theiler
19 United States Magistrate Judge

20 cc: District Judge: Honorable Ricardo S. Martinez
AUSA: Lisca Borichewski
Defendant's attorney: Michelle Shaw
Probation officer: Felix Calvillo, Jr.